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EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2152

MAIL DATE

DELIVERY MODE

08/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/750,432

Applicant(s)

NGUYEN, LYNH

Examiner

Dohm Chankong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-9,11-14,16-25 and 28-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-9, 11-14, 16-25, and 28-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1> This action is in response to Applicant's arguments and amendment, filed 5.31.2007. Claims 2 and 10 are cancelled. Claims 1, 3, 5-7, 10, 14 and 25 are amended. Claims 1, 3, 5-9, 11-14, 16-25, and 28-36 are presented for further examination.

2> This is a non-final rejection.

Response to Arguments

3> Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that it would have been obvious to modify Polizzi's system to incorporate Lamberton's teachings. Applicant bases this argument on Polizzi's recitation that the service broker performs two functions: (1) controlling access to the portal system by users; and (2) controlling the disposition of jobs to the service agents within the portal system. Applicant argues that it would be contrary to Polizzi's teachings for the first request by the user to be handled through the service broker and all subsequent requests by the user sent to the same service agent bypassing the service broker because each service broker only performs a specific task.

It should first be noted that Lamberton's load manager and Polizzi's service broker are analogous as both are responsible for disposition of requests to back-end devices [Lamberton, column 6 «lines 36-48» & Polizzi, 0024]. Lamberton discloses that the load manager is bypassed when the back-end device communicates a response to a request directly to the client [column 9 «lines 5-17»].

This embodiment, where a connection is established between the back-end device and the client, bypassing the load balancer, is not contrary to Polizzi. Modifying Polizzi's system with Lamberton would result in a system whereby Polizzi's port module would bypass the service manager to directly respond to the interface module's initial request. Polizzi does not teach that responses from the port module cannot be returned directly to the client. This embodiment teaches connecting directly the interface module and the port module for communicating independently from the connection manager.

Applicant's argument is premised on the fact that there are subsequent communications between the interface module and the port module; that the interface module bypasses the manager and submits subsequent requests directly to the port module. However, Applicant's claim merely requires that the interface module and port module communicate independently; Lamberton's teaching that a response from the server is returned directly to the client constitutes a communication independent of the manager and therefore reads upon this claim limitation.

Thus, Polizzi is modified such that a request is first submitted through the service manager which handles the disposition of the request. After routing the request to the appropriate port module, the port module returns a response directly to the client; or in other words, connects directly to the client and communicates the response independently of the service broker. This modification does not contradict any of Polizzi's teachings.

Similar remarks to the §103(a) rejections under Polizzi in view of Albert.

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4> Applicant has also amended claims 1 and 14 to include the limitations of a log file that comprises parameters established to reflect a status of a connection between the remote application and the data source. Applicant's arguments are persuasive and therefore the rejections are withdrawn. However, upon further consideration, a new ground of rejection is set forth in this action in response to Applicant's arguments.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5> Claims 1, 11, 14, 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claims 1, 14, and 25 are unclear; they recite "a connection between the remote application and the data source desired to be monitored." It is unclear to what element (the connection or the data source?) that is "desired to be monitored";

b. Claim 11 lacks proper antecedent basis: "the data." Claim 11 also is dependent on now canceled claim 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6> Claims 1, 3, 5-9, 11-14, 16-25, and 28-36 are rejected under 35 U.S.C. 103(a) as being anticipated by Polizzi et al U.S. Patent Publication No. 2002|0023158 ["Polizzi"], in view of Lamberton et al, U.S Patent No. 6.779.017 ["Lamberton"], in further view of DeBettencourt et al, U.S Patent No. 6.279.001 ["DeBettencourt"].

7> Regarding claims 1, 8, 19 and 31, Polizzi discloses a method, apparatus and program product (hereinafter a "system") comprising:

providing at least one interface module to interface with a remote application (105, fig. 1);

providing port module to interface between interface module and data source (agent, 130, fig. 1);

providing a connection manager to facilitate between the interface module and port module (service broker 125 fig. 1; paragraph. 21).

Polizzi does not expressly disclose connecting directly the interface module and the port module for communicating independently from the connection manager. Polizzi also does not expressly disclose a log file comprising an arbitrary set of parameters selectively established to reflect a status of a connection between the remote application and the data source desired to be monitored.

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8> Lamberton discloses a system whereby a load balancer is responsible for facilitating connections between a user's remote application and a data source such as a server [column 6 «lines 9-20»]. Much like Applicant's claimed connection manager, Lamberton's load balancer's sole purpose is to select an appropriate data source and then facilitates a connection between the remote application and data source such that they can communicate independently of the load balancer [column 6 «lines 36-48»]. That is, after the connection has been facilitated, the user and the data source may connect directly with one another, independent of the load balancer [column 9 «lines 5-17»].

It would have been obvious to one ordinary skill in the art to modify Polizzi's system to incorporate Lamberton's teachings of utilizing a manager to facilitate the initial connection to a data source but bypassing the manager on subsequent communications; specifically the combination would enable direct communications between Polizzi's network interface and agents independent of the service broker, freeing the service broker to provide capability of handling more requests to the data source [see Lamberton, column 6 «lines 48-56»]. Such a modification in Polizzi's system would provide substantial improvement in Polizzi's service broker, as evidenced by the reduction in workload of Lamberton's load balancer. Polizzi's service broker and Lamberton's load balancer are analogous as they both responsible for establishing connections between user and remote applications [see Polizzi, 0021 & Lamberton, column 6 «lines 36-48»].

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9> As to the log file, DeBettencourt is directed to a system for accessing web pages from a data source [abstract | Figure 1]. Much like Polizzi, DeBettencourt discloses monitoring jobs that submitted to the data source [Figure 4]. DeBettencourt expressly discloses a log file comprising an arbitrary set of parameters selectively established to reflect a status of a connection between the remote application and the data source desired to be monitored [Figure 9 | column 5 «lines 25-39» | column 11 «lines 46-50» | column 18 «lines 12-17»].

It would have been obvious one of ordinary skill in the art to incorporate DeBettencourt's teachings of a log file into Polizzi's system. DeBettencourt teaches several benefits of a log file such as the ability to recover from system failures [column 11 «lines 45-50»], logging of error events [column 11 «lines 63-65»], and analysis of network performance related to the connection [column 15 «lines 45-55»]. One would have been motivated to incorporate a log file into Polizzi for the benefits as described by DeBettencourt.

10> As to claim 3, Polizzi does not expressly disclose that the parameters are user-selectable. DeBettencourt discloses that the parameters in the log file are user-selectable [Figure 9 | column 18 «lines 25-26 and 46-47»]. It would have been obvious to one of ordinary skill in the art to incorporate user-selectable parameters in the log file into Polizzi. One would have been motivated to modify Polizzi in order enhance an administrator's ability to monitor the connections.

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11> As to claim 5, Polizzi does not expressly disclose the parameters.

DeBettencourt discloses wherein at least one the parameters is selected from the group consisting of a present SQL request, a warning message, an error message, a date, a time, a previous SQL request, a feature database scheme, and a number of records [column 18 «lines 18-51»]. It would have been obvious to one of ordinary skill in the art to incorporate user-selectable parameters in the log file into Polizzi. One would have been motivated to modify Polizzi in order enhance an administrator's ability to monitor the connections.

12> As to claims 6 and 7, Polizzi does not expressly disclose limiting the number of parameters. DeBettencourt discloses that the number of parameters within the log file can be configured, and therefore limited or expanded depending on the user's preference to reflect the history of interactions between the remote application and the data source [column 18 «lines 25-26 and 46-47»]. It would have been obvious to one of ordinary skill in the art to incorporate configurable parameters in the log file into Polizzi. One would have been motivated to modify Polizzi in order enhance an administrator's ability to monitor the connections.

It should be noted that, with respect to claims 6 and 7, the limitations "in order to reduce processing time of a request to the data source" and "to reflect a detailed history of interactions" are not given patentable weight because they merely "express[es] the intended result of a process step positively recited." See MPEP §2111.04. If a reference teaches limiting or expanding the number of parameters, that reference is capable of reducing the processing time of a request to the data source or

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reflecting the history of interactions. Therefore, DeBettencourt teaches the claimed limitation.

13> Regarding claims 9, 20, 32, Polizzi discloses the invention substantially, as claimed, as described, including hosting interface module is separate computer from data source. Polizzi does not explicitly disclose the interface is hosted in the data source computer. However, relocating interface module from other computer to data source computer is merely a part rearranging parts, which does not modify operation of the device, i.e., no matter where the interface module located it's connectivity to the port module still is being control by connection manager, which court held that is unpatentable. *In re Japikse*, 18 F.2d 1019, 86 USPQ 70 (CCPA 1950).

14> As to claim 11, as it does not teach or further define over the limitations of claim 5, claim 10 is rejected for at least the same reasons set forth for claim 5.

15> As to claim 12, Polizzi does not expressly disclose arranging the parameters in hierarchical relation. DeBettencourt teaches arranging the parameters in hierarchical relation [Figures 6, 9]. It would have been obvious to one of ordinary skill in the art to incorporate the display interface of DeBettencourt' log file into Polizzi. One would have been motivated to modify Polizzi in order enhance an administrator's ability to monitor the connections.

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16> As to claim 13, Polizzi does not expressly disclose the at least one parameter of the arbitrary set of parameters corresponds to an output device selected by a user.

DeBettencourt discloses at least one parameter of the arbitrary set of parameters corresponds to an output device selected by a user [column 18 «lines 34-51»]. It would have been obvious to one of ordinary skill in the art to incorporate the parameters of DeBettencourt' log file into Polizzi. One would have been motivated to modify Polizzi in order enhance an administrator's ability to monitor the connections.

17> As to claims 14 and 25, they are directed to a medium and system, respectively, that implement the steps of the method of claim 1. Therefore, claims 14 and 25 are rejected for at least the same reasons set forth for claim 1.

18> As to claims 16 and 22, they are merely mediums that implement the steps of claim 5. Therefore, they are rejected for at least the same reasons set forth for claim 5.

19> As to claims 17 and 18, they are merely mediums that implement the steps of the method of claims 6 and 7 respectively. Therefore, claims 17 and 18 are rejected for at least the same reasons set forth for claims 6 and 7, respectively.

20> As to claims 21 and 33, they do not teach over the limitation of the log file and the user selectable parameters of claims 1 and 3. Therefore, claims 21 and 33 are rejected for at least the same reasons set forth for claims 1 and 3.

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21> As to claims 23 and 24, they are merely mediums that implement the steps of the method of claims 12 and 13 respectively. Therefore, claims 23 and 24 are rejected for at least the same reasons set forth for claims 12 and 13, respectively.

22> As to claims 28-30, they are merely systems that implement the steps of the method of claims 5-7 respectively. Therefore, they are rejected for at least the same reasons set forth for claims 5-7, respectively.

23> As to claim 34, it is merely a system that implements the steps of the method of claim 5. Therefore, claim 34 is rejected for at least the same reasons set forth for claim 5.

24> As to claims 35 and 36, they are merely systems that implement the steps of the method of claims 12 and 13 respectively. Therefore, claims 35 and 36 are rejected for at least the same reasons set forth for claims 12 and 13, respectively.

25> Claims 1, 3, 5-9, 11-14, 16-25, and 28-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polizzi, in view of Albert et al, U.S Patent No. 6,970,913 ["Albert"], in further view of DeBettencourt.

26> Regarding claims 1, 8, 19 and 31, Polizzi discloses a method, apparatus and program product (hereinafter a "system") comprising:

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providing at least one interface module to interface with a remote application (105, fig. 1);

providing port module to interface between interface module and data source (agent, 130, fig. 1);

providing a connection manager to facilitate between the interface module and port module (service broker 125 fig. 1; paragraph. 21).

Polizzi does not expressly disclose connecting directly the interface module and the port module for communicating independently from the connection manager in subsequent communications. Polizzi also does not expressly disclose a log file comprising an arbitrary set of parameters selectively established to reflect a status of a connection between the remote application and the data source desired to be monitored.

27> Albert discloses a system whereby a service manager is responsible for facilitating connections between a user's remote application and a data source such as a server [abstract]. Much like Applicant's claimed connection manager, Albert's service manager selects an appropriate data source and then facilitates a connection between the remote application and data source such that they can communicate independently of the load balancer [column 7 «lines 7-30»]. That is, after the connection has been facilitated, the user and the data source may connect directly with one another, independent of the service manager [Figure 2A | Figure 3A | Figure 3B | column 9 «lines 54-62» where : the service managers are not connected to the data source but merely facilitate the connection between the agent and the data source].

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Albert's service manager merely facilitates the connection between the user's remote application and the data source.

It would have been obvious to one ordinary skill in the art to modify Polizzi's system to incorporate Albert's teachings of utilizing a service manager to facilitate the initial connection to a data source but bypassing the manager on subsequent communications; specifically the combination would enable direct communications between Polizzi's network interface and agents independent of the service broker, freeing the service broker to provide capability of handling more requests to the data source. Such a modification in Polizzi's system would provide substantial improvement in Polizzi's service broker by providing a feedback mechanism to better select appropriate data sources [see Albert, column 4 «lines 7-18»]. Polizzi's service broker and Albert's load balancer are analogous as they both responsible for establishing connections between user and remote applications [see Polizzi, 0021 & Albert, column 4 «lines 52-65»].

28> As to the log file, see the rejection of claim 1 under Polizzi, in view of Lamberton, in further view of DeBettencourt for combination rationale.

29> As to claims 3, 5-9, 11-14, 16-25, and 28-36, see the corresponding rejections for those claims under Polizzi and DeBettencourt for combination rationale above.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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